



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,014	08/23/2000	Paul J. Lucas	P-2138D1	1899

7590 02/26/2003

James D Ivey
Law Offices of James D Ivey
3025 Totterdell Street
Oakland, CA 94611-1742

EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
----------	--------------

2124

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,014

Applicant(s)

LUCAS ET AL.

Examiner

John Q. Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2124

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Caswell et al. (6,336,138).

Claims

1. A method for installing software on a selected one of a number of server computer systems, the method comprising:

(a) retrieving a template which specifies one or more parameters specifying an aspect of the software and which includes placeholder data in place of server-specific data;

(b) retrieving server specific data for the selected server;

(c) replacing the placeholder data of the template with the server specific data of the selected server to form installation data; and

(d) sending the installation data to the selected server in such a manner that

Caswell

See col. 10 lines 19-54, which indicates that newly discovered services (servers) are mapped (installed or made available) to existing nodes via a service model template. Also, see col. 7 lines 60-65.

See the abstract, col. 5 lines 63-col. 6 line 9.

See col. 6 lines 53-59 and col. 3 lines 49-58.

See col. 4 lines 47-58.

See col. 7 lines 60-65, the mapping is considered to provide

causes the selected server to install the software in accordance with the installation data.

for the installation function; since, it makes new features available.
See also col. 12 lines 34-51.

2. The method of claim 1 wherein the template includes one or more configuration data files.

See col. 9 lines 2-12 and col. 18 lines 19-27.

3. The method of claim 1 wherein the template includes one or more installation scripts, each of which includes one or more computer instructions which are to be executed by the selected server to effect installation of the software.

See again the cited portion of claim 2.

4. The method of claim 3 wherein (d) sending comprises: sending the installation data to the server in such a manner that causes the selected server to install the software by, at least in part, executing the one or more installation scripts.

See col. 9 lines 32-34.

5. The method of claim 4 wherein (d) sending further comprises: sending the installation data to the selected server in such a manner that enables the selected server to verify that the one or more installation scripts are owned by a previously authorized owner prior to installing the software by, at least in part, executing the one or more installation scripts.

See col. 7 lines 14-21.

6. The method of claim 1 wherein the template includes one or more computer program modules which define at least part of the software to be installed on the selected server.

See again col. 9 lines 2-12 and col. 12 lines 34-51.

7. The method of claim 1 wherein the server specific data specifies a computer network address of the

See col. 7 lines 14-21.

Art Unit: 2124

selected server.

8. The method of claim 7 wherein the computer network address is an IP address.

See the rejection of claim 7 and col. 23 lines 10-42.

9. The method of claim 1 wherein the server specific data specifies a name which identifies the selected server.

See the cited portions of claim 8 above.

10. The method of claim 1 wherein (d) sending comprises: sending the installation data through a computer network to the selected server.

See again col. 23 lines 30-42.

11. The method of claim 10 wherein the computer network is the internet.

See col. 23 line 66-col. 24 line 37.

12. The method of claim 1 wherein (d) sending comprises: sending the installation data to a predetermined storage location within the selected server.

13. The method of claim 12 wherein the selected server is configured to detect installation data stored at the predetermined storage location and to process the installation data upon such determination.

See col. 24 lines 5-18 and col. 23 lines 32-37. Also, see col. 27 lines 43-52.

14. The method of claim 12 wherein the predetermined storage location is a predetermined directory within the selected server.

This feature is inherent via the cited portion of claim 12, because a predetermined address range can represent a directory, subdirectory or many directories.

15. The method of claim 1 wherein selected server is configured to delete the installation data after installation of the software in accordance with the installation data.

See col. 24 lines 35-37.

Claims 16 –30 are the computer medium version of claims 1-15, which is required to store
see figs. 1, and 3-5. Also, the features of claims 31-45 (computer system) are addressed in claim 1-15 in view of figs. 1, and 3-5.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.

Jqc
February 12, 2003


JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124